

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

LARRY W. MERRILL,

Plaintiff,

Civ. No. 6:20-cv-984-MK

v.

ORDER

LANE FIRE AUTHORITY, TERRY NEY,  
STOELK INVESTIGATION AND  
CONSULTATION, LLC, an Oregon  
Limited Liability Company, and D. CRAIG  
STOELK,

Defendants.

---

MCSHANE, Judge:

Magistrate Judge Mustafa Kasubhai filed a Findings and Recommendation, (ECF No. 65), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections. ECF Nos. 67. Defendants filed responses to Plaintiff's objections. ECF Nos 68-69. Accordingly, the Court reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981).

The Court finds no error and concludes the report is correct. As Plaintiff confirmed in his deposition, he received more than enough notice regarding the serious charges he faced. These charges were based on numerous allegations, from numerous witnesses, regarding Plaintiff's

actions over the years. These actions included: wildly inappropriate workplace comments; wildly inappropriate workplace touching; wildly inappropriate texts to coworkers; sexual intercourse in the station while on duty; and theft of a female co-worker's undergarments during work hours at the station. Remarkably, Plaintiff did not really deny the allegations. Instead, he claimed he could not occur those events occurring. Given the rather extreme nature of the allegations, this raised numerous red flags. Plaintiff takes issue with the fact that the chief came to the hearing with a prepared termination letter. Given the consistency of the allegations amongst the numerous witnesses in the 40 page investigative report, the fact that Plaintiff did not expressly deny most of the allegations, this was not surprising. Nor is it surprising that when the Plaintiff failed to change his stance at the hearing, the chief made the decision to terminate Plaintiff.

Magistrate Judge Kasubhai's Findings and Recommendation (ECF No. 65) is ADOPTED in full. Defendants' Motions for Summary Judgment (ECF Nos. 32, 46) are GRANTED.

IT IS SO ORDERED.

DATED this 17th day of August, 2022.

\_\_\_\_\_  
/s/ Michael J. McShane  
Michael McShane  
United States District Judge